

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30629 of 2024

Arising Out of PS. Case No.-9 Year-2023 Thana- BACHHWARA District- Begusarai

Shivam Kumar @ Kari S/o Late Niraj Singh R/o vill - Pidhauli, P.s. - Teghra,
Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bachhwara P.S. Case No. 09 of 2023, Session trial no. 772 of
2023 registered for the offences punishable under Sections 392,
397 and 412 of the I.P.C.

3. As per prosecution case, the informant
proceeded with collected amount of Rs. 30,490/- and when he
reached at Godhana National Highway, two unknown persons
came and at the point of pistol they snatched the motorcycle as
well as aforesaid collected money and fled away. Hence, FIR has
been lodged against two unknown persons.

4. Learned counsel for the petitioner submits that



petitioner is not named in FIR. Learned counsel further submits that the name of the present petitioner has been transpired in this case upon the confessional statement of co-accused Nikesh Kumar @ Dhindhha @ Chhotu, as mentioned in impugned order. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that from the perusal of seizure list itself, it is clear that the alleged motorcycle in question has been recovered from another place. No T.I.P. has been conducted up till now. Petitioner is in custody since 15.01.2023 and bears criminal antecedent of five cases in which he is on bail. Charge-sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has committed no offence as alleged against him in FIR. He further submits that on the basis of criminal antecedent petitioner has falsely been implicated in the present case. He further submitted that co-accused Santosh Kumar @ Chattan Singh has already been granted bail by this Court vide Cr. Misc. no. 73925 of 2023 and the case of present petitioner stands more or less



on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge-sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional sessions Judge XIth Begusarai in connection with Bachhawara P.S. Case No. 09 of 2023 ST 722 of 2023 subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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kumar/-

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